



Surveillance Impact Report

Evidence.com
San Diego Police Department

DESCRIPTION

The specific use of Evidence.com is to store, impound, retrieve, and review all videos recorded by a body worn camera (BWC) and all photo evidence collected by Axon Capture/Axon Citizen.

PURPOSE

Evidence.com is a digital evidence management service contracted by the City and accessed at Sdspd.evidence.com. The service stores digitally encrypted data obtained by Body Worn Cameras (BWC) and all photographic evidence collected with Axon Capture/Axon Citizen on a secured platform accessible to personnel with approved security clearance.

LOCATION

All personnel given permission associated with Evidence.com may review digital evidence throughout the city while using a Department computer.

City of San Diego crime statistics can be viewed at:

- [Crime Statistics & Crime Mapping | Police | City of San Diego Official Website.](#)

IMPACT

The San Diego Police Department's Evidence.com Surveillance Use Policy safeguards civil liberties and civil rights. The uses and deployments of surveillance technology are not based upon discriminatory or viewpoint-based factors. The Department's use of surveillance technology is intended to support and benefit the communities of San Diego while minimizing and mitigating potential impacts on the civil rights and civil liberties of community members.

DATA TYPES AND SOURCES

Evidence.com stores all audio and visual information recorded on each officer's BWC. It additionally stores all photographic evidence collected with Axon Capture/Axon Citizen. All impounded/stored information collected in the videos follows a data retention schedule.

MITIGATIONS

The data collected and stored in Evidence.com is only accessible by authorized users with the use of a login and password. A digital audit trail is made each time a user accesses any data retained by Evidence.com and a justification for accessing that data is required.

The collection, use, retention, or dissemination of data shall not be used to violate the Constitutional rights of any person or in any manner that would discriminate against any person based upon their ethnicity, race, gender, natural origin, religion, sexual orientation, or gender identity.



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DATA SECURITY

Axon Cloud Services system access control mechanisms are maintained in compliance with the specific Federal Bureau of Investigation's Criminal Justice Information Services (CJIS) security requirements.

Access control to the system is limited to authorized users and uses multiple factors for authentication. Evidence data is encrypted at rest and in transit. Axon maintains key management practices for managing the encryption keys.

Axon maintains policies and practices for Axon Cloud Services that limit remote access to only required individuals and require at least two factors for authentication.

Sworn personnel may review their own digital evidence. Detectives are responsible for reviewing, updating, and tracking digital evidence associated with their assigned cases.

All digital evidence collected using the BWC is considered an investigative record for the San Diego Police Department and is for official use only.

Accessing, copying, forwarding, or releasing any digital evidence other than for official law enforcement use and contrary to this procedure is strictly prohibited. Public release of digital evidence is prohibited unless approved by the Chief of Police or designee.

Personal computer equipment and software programs shall not be utilized when making copies of digital evidence. Using a secondary recording device such as a video camera, cell phone, or other devices to record or capture digital evidence from Sdpd.evidence.com is strictly prohibited.

FISCAL COST

The San Diego Police Department has a three-year contract for \$2,350,411.03 annually. The contract costs include cameras, hardware, Evidence.com storage, and licensing fees.

THIRD PARTY DEPENDENCE

Detectives are responsible for reviewing, updating, and tracking digital evidence associated with their assigned cases.

Detectives and personnel assigned to investigative assignments are responsible for forwarding BWC video evidence to either the District Attorney or City Attorney Evidence.com accounts. Digital evidence will be submitted when the case file is submitted for prosecutorial review.

BWC video is shared with other law enforcement agencies regarding criminal investigations through Evidence.com. Internal investigation requests from other agencies require a subpoena.

ALTERNATIVES

Although AXON is not the only body worn camera manufacturer, other companies do not offer the same service in terms of technology, equipment, data protection, data storage, and customer service. Since the



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San Diego Police Department is an established AXON customer, it would be costly and time-consuming to switch to another company without doing a new RFP.

TRACK RECORD

Law enforcement's use of body worn cameras has proven effective in reducing violent confrontations and complaints against officers. To date, there have been more than 6.2 million videos recorded. Cameras provide additional documentation of police/public encounters and are essential for collecting evidence and maintaining public trust. Evidence.com's capabilities to store, impound, retrieve, and review all videos recorded by a body worn camera (BWC) and all photo evidence collected by Axon Capture/Axon Citizen is imperative to law enforcement agencies. It is the data management system for the body worn cameras and required to review and access the footage.

PUBLIC ENGAGEMENT AND COMMENTS

There was a community meeting held at the Anchor Church on Pentecost Way that was live-streamed via Zoom to eight other locations, one in each Council District throughout the city. Each location had representatives from the San Diego Police Department to assist with coordinating questions and feedback from the community. In all, there were a total of **28** community members present at the nine locations.

To maximize the reach of the materials presented at the community meetings the Department added them to their webpage at the following web address:

- www.sandiego.gov/police/technology

The Department video-recorded the live-streamed meeting so that it could be presented to a larger audience. The benefit of the video was the capability of closed-caption translating the presentation into over 100 languages such as Spanish, Korean, Chinese (Simplified/Traditional), Somali, Arabic, etc. to maximize penetration of the materials to affected groups.

The link to the video is at the below web address:

- [\(3\) Body Worn Cameras Community Meeting – July 6, 2023 - YouTube](#)

The questions asked by the community members came largely from the Privacy Advisory Board members who were present. There were a total of **7** questions and **1** comment in all. See the below list of paraphrased questions and responses.

- Explain public access and the release of BWC video footage to the public in the vein of transparency.
 - There is a delicate balance between transparency and preservation of evidence for due process rights. There are legal mandates we follow and are available on our website. The Chief also has the discretion to release video footage in certain situations.
 - In compliance with the law, a great deal of materials that pertain to transparency are already on our website, in our Mandated Disclosures section.



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- Do Officers look at the video and then write their report or do they write their report and then watch the video?
 - Officers are instructed to watch the video and then complete their report. If there are discrepancies in what they recollect from the video, the discrepancies are to be documented per procedure.
- How do you treat sensitive locations, minors, domestic violence calls with BWC video? What is the retention schedule? Where are they stored?
 - We do not record in sensitive locations like hospitals or mental health facilities unless enforcement action is taking place. Officers only try to capture the enforcement action and not medical evaluations, other bystanders, or non-enforcement conversations.
 - We do record on Domestic Violence, Sex Crimes, Child Abuse, and Elder Abuse calls for evidentiary reasons.
 - Retention schedule is 60 days for accidental activation, with a supervisor review. Minimum for two years up to unlimited for enforcement actions, in some cases. We have unlimited storage with Evidence.com. The retention schedule is posted online.
- Auditing and oversight. Who is auditing and how often? Are there outside audits?
 - Supervisors audit their staff every month. They pick two random days to inspect the videos. The supervisor confirms the officers are following procedure. No outside audits (by private vendor) are conducted at this time.
- How are these cameras different from the ones being used right now?
 - These are the cameras we currently use. They are not new. We are in the process of obtaining a new contract, possibly a new vendor will be named. It is possible, new updated cameras will be made available at a later time when a new contract is in place.
- Comment: Thank you to the SDPD for the information. BWC's are used to collect community members' interactions with the police. The cameras are a tool for transparency. Recommend the continued use of BWC's.
- In the event of a discrepancy, recorded or noted, on statements, how is that reconciled?
 - It depends on the totality of circumstances. Human error or a mistake of the heart can be addressed with training. Misconduct is handled with appropriate discipline.



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- If something is said that is not fully recorded or it is hard for the officers to recollect. Has that situation come up?
 - Officers are obligated to tell the truth. Officers use these cameras daily. It is a part of their routine and training in the academy. If there are intentional violations of the BWC procedure, Internal Affairs or a Supervisors Investigation can conduct the investigation.

Online comments and questions were also collected during this process. A portal to submit questions or comments was provided online, from June 13, 2023, through July 13, 2023 via the San Diego Police Department's website at:

AXON Body Worn Camera link:

- <https://www.sandiego.gov/police/data-transparency/technology/view?tech=AXON%20Body%20Worn%20Camera>

Evidence.com link

- <https://www.sandiego.gov/police/data-transparency/technology/view?tech=Evidence.com>

In conjunction with the online recording of the presentation, the online comments and questions portal provided 24-hour accessibility to provide feedback for those unable to attend the community meetings in person. There were two comments. One comment was in support of BWC's and the other comment was unrelated to BWC's.